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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,405	01/26/2001	Leonard E. Sabal	Cabil-1/APP	6324
26479	7590	06/10/2004	EXAMINER	
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			DENNISON, JERRY B	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,405

Applicant(s)

SABAL, LEONARD E.

Examiner

J. Bret Dennison

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This Action is in response to Application Number 09/771405 received on 26 January 2001.
2. Claims 1-14 are presented for examination.

Claim Objections

Claims 1-6, 8-10, and 12-14 are objected to because of the following informalities:

3. The limitations are written in outline form. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Despres et al. (U.S. Patent Number 6,434,379).

4. Regarding claims 1 and 4, Despres discloses a method for controlling network access through a remote terminal adapter by a customer, the method comprising:
initializing an account (Despres, col.3. lines 15-30);

verifying credit of the customer (Despres, col. 3, lines 45-50); and
requesting service via the remote terminal adapter if the credit of the customer is approved (Despres, col. 4, lines 49-67, Despres teaches a customer requesting service through the system).

5. Regarding claims 2 and 5, Despres teaches the limitations, substantially as claimed, as described in claims 1 and 4, including wherein the act initializing an account includes

receiving a connection initiated by the customer (Despres, col. 4, lines 49-50);
requesting a room number associated with the remote terminal, an identifier associated with the remote terminal (Despres, col. 4, lines 55-56, Despres teaches an authentication key used to record the terminal on the network), credit information the customer, and service period information desired by the customer, from the customer over the connection (Despres, col. 4, lines 1-9); and

accepting the requested information from the customer (Despres, col. 4, lines 1-9, Despres teaches that the customer can call a voice server to find out credit information).

6. Regarding claims 3 and 6, Despres teaches the limitations, substantially as claimed, as described in claims 2 and 5, including wherein the act of initializing an account further includes storing at least some of the requested information accepted in a temporary account database (Despres, col. 3, lines 25-30).

7. Regarding claim 7, Despres teaches the limitations, substantially as claimed, as described in claim 5, including wherein the act of attempting verify account information includes checking a room number, terminal identifier, and a caller identifier with information in a participant properties database (Despres, col. 5, lines 45-60, Despres teaches a database containing terminal identity information and user identity information).

Claims 8, and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Horne et al. (U.S. Patent Number 5,987,430).

8. Regarding claim 8, Van Horne discloses a machine-readable medium storing information for verifying service requests for use of a network access terminal accessible to short-term, transient, customer-base, the information including a first field for storing an identifier associated with the network access terminal (Van Horne, col. 16, lines 63-65, Van Horne teaches an activity database storing a hardware based identifier).

a second field for storing information for identifying a property at which the network access terminal is located (Van Horne, col. 17, lines 1-30); or

a third field for storing information for identifying a room in which the network access terminal is located (Van Horne, col. 17, lines 1-30).

9. Regarding claim 10, Van Horne teaches the limitations, substantially as claimed, as described in claim 8, including wherein the information further includes a fourth field for storing an address of the network access terminal (Van Horne, col. 16, lines 60-65).

10. Regarding claim 11, Van Horne teaches the limitations, substantially as claimed, as described in claim 10, including wherein the address is an internet protocol address (Van Horne, col. 16, lines 60-62).

11. Regarding claim 12, Van Horne discloses a method for controlling network access through a remote terminal adapter by a customer, the method comprising:

requesting order information from the customer (Van Horne, col. 16, lines 1-10);

accepting the requested order information from the customer (Van Horne, col. 16, lines 10-30);

verifying credit information provided by the customer (Van Horne, col. 16, lines 10-30);

instructing that the remote terminal network access be enabled (Van Horne, col. 16, lines 40-52);

instructing that the enablement of the remote terminal be terminated at the expiration of a service period (Van Horne, col. 18, lines 5-20);

12. Regarding claim 13, Van Horne teaches the limitations, substantially as claimed, as described in claim 12, including billing the customer for use of the remote terminal for network access (Van Horne, col. 17, lines 5-30);

13. Regarding claim 14, Van Horne teaches the limitations, substantially as claimed, as described in claim 13, including distributing funds to at least one of an owner of the remote terminal, and an owner of a property at which the remote terminal is located (Van Horne, col. 2, lines 34-65, col. 4, lines 15-45, Van Horne teaches a system providing hotel and airline users with a high speed internet connection at their terminals. It is inherent that the funds are distributed between the terminal owner and the property owner for this service).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Horne in view of obviousness.

14. Regarding claim 9, Van Horne teaches the limitations, substantially as claimed, as described in claim 8. Van Horne also teaches storing all activity information associated with the terminal user (col. 16, line 49 through col. 17, line 30). However, Van Horne does not specifically state wherein the information further includes a fourth field for storing outgoing telephone numbers associated with the property identified in the second field. It would have been obvious to one in the ordinary skill in the art at the

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time of the invention to include record of outgoing telephone numbers from the terminal location to notify customers of all communications made when sending out generated usage reports (Van Horne, col. 18, lines 1-7). This would benefit customers by giving them a way to keep track of all communications made with the system.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (703)305-8756. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Bret Dennison
Patent Examiner
Art Unit 2143


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